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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,489	02/05/2004	John Siemens	P68.2-11477-US01	4972
490	7590	07/01/2005	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			WALSH, DANIEL I	
		ART UNIT	PAPER NUMBER	
		2876		
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b> <i>[Signature]</i>	
	10/772,489	SIEMENS ET AL.	
	Examiner Daniel I. Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 4-18.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 11-15 is/are rejected.
- 7) Claim(s) 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4-05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Receipt is acknowledged of the Response received on 18 April 2005 and the IDS received on 20 April 2005. The Examiner notes that foreign priority has been perfected in the Applicants response of 18 April 2005 by submitting copy of the foreign priority document. Accordingly, the prior art of Hughes (US 2004/0210515) as relied upon in the previous Office Action, no longer qualifies as prior art. A new Office Action follows.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-2, 4, 6-9, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siemens (US 2001/0054643).

Re claim 1, Siemens teaches a deposit taking system for receiving deposits from one or more users (FIG. 1) comprising at least two safes (40, 42) each having at least one deposit opening (36/38 and 22). Though 36,38 are taught as processor controlled openings, Siemens is silent to the check-receiving slot as being processor controlled (to open). However, the Examiner notes that processor controlled slots in ATM machines are well known and conventional, as in conventional ATM systems. One would have been motivated to have the check slot also processor controlled so that it opens only when a check deposit is authorized, therefore adding to the security/robustness of the system because the slot only opens when the user is authorized for such a transaction, and it not open all the time which would reduce the security of the system. Additionally, by only opening the slot when it's to be used for the current transaction, the user therefore knows the exact slot to be used and is not confused. The Examiner believes in light of ATM systems which have slots that open when a transaction involving that slot is to take place, it is clearly obvious to apply such teachings to a check slot, to attain the same expected results as discussed above. The local processor/PC 14 has an interface to communicate with the user and is capable of communicating with a remote processor (abstract). Siemens teaches a means for opening a respective one of the processor controlled deposit openings in response to a communication from either the user or the remote processor; wherein the users deposits are sorted by the deposit taking system opening one or another of the deposit openings (paragraph [0044]), as the deposits are sorted by the corresponding openings being opened.

Re claim 2, Siemens teaches a remote processor that can communicate with the local processor (abstract).

Re claim 4, Siemens teaches a separate access opening for each safe for contents to be removed (FIG. 2).

Re claim 6, Siemens teaches the user must be approved before the deposit taking system opens a processor controlled deposit opening, and that the local processor requests approval for the user from the remote processor, which responds to the local processor with a communication of approval or rejection (see claim 5 of Siemens reference). Re claim 7, Siemens teaches that status information relating to the deposit taking system is provided to the local processor, which in turn communicates the status information to the remote processor (see claim 6 of Siemens reference). Re claim 8, Siemens teaches that the remote processor evaluates status information and responds to the local processor with a communication to cease accepting further deposits, and wherein the remote processor also communicates a request to a service provider to provide service to the deposit taking system (see claim 7 of Siemens reference). Though claims 5-7 of Siemens et al. (US 2001/0054643) are silent to two safes, the '643 reference has been discussed above to include two safes with deposit openings. Accordingly it is obvious that the teachings of claims 5-7 of the '643 reference would be obvious to include with two safes, to provide the expected results of being able to independently access checks and other deposits, for example.

Re claim 9, Siemens teaches the means for opening a respective one of the processor controlled deposit openings opens a respective one of the processor controlled deposit openings in response to the type of deposit being made by the user (paragraph [0044] which teaches that if the user selects to proceed with a deposit of currency, the access gate opens to accept the currency).

Re claim 11, it has been discussed above re claim 1, that the system includes openings for cash deposits and non-cash deposits (cheques).

Re claim 12, Siemens teaches a local processor with a touch screen 15, interpreted as a user interface to facilitate transactions (abstract).

Re claim 13, the limitations have been discussed above re claim 1.

Re claim 14, the Siemens teaches the limitations (paragraph [0102]), as the remote processor receives and can store information from the user devices.

Re claim 15, it has been discussed above that a user must be authorized before a deposit opening is opened (as is conventional). This is determined as preapproval before depositing.

3. Claims 1-7, 9, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moreno (US 2002/0035515).

Re claim 1, Moreno teaches a deposit taking system comprising at least two lockers having at least one processor controlled deposit opening, a local processor operatively connected to each of the safes, the local processor having a user interface to communicate with the user and being capable of communicating with a remote processor, and a means for opening a respective one of the processor controlled deposit openings in response to communication from either the user of the remote processor (FIG. 2). It is understood that the deposits are sorted by opening the lockers. Though silent to safes, the Examiner broadly interprets the lockers as safes, as they are for securing items.

Re claim 2, the remote processor communicates with the local processor through link 220.

Re claim 3, FIG. 2 shows the safes contained in a separate module (separate safes).

Additionally, it is well known that additional safes can be used/designed for user demand (see paragraph [0021]). Further, the Examiner notes that the intended use of separate modules to effect flexibility does not differentiate the claimed apparatus from a prior art structure, which satisfies the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Re claim 4, FIG. 2 shows separate openings for the lockers as is known in the art.

Re claim 5, user identification device 114 and local processor are used to open the openings.

Re claim 6, user verification device 114 is used to request approval from the remote processor to open the locker.

Re claim 7, signals from the verification device 114 are received by the controller to determine whom, when and where access to a locker is to be provided (paragraph [0019]). This is interpreted as status information being received by the local device (such as when a user uses the device) and is communicated to the remote device to update status, record keeping, etc., as is known in the art.

Re claim 9, Moreno teaches that different sized lockers can be used for different deposits (paragraph [0070]). Accordingly, it is obvious that depending on the type of deposit (size constraints), a certain locker will be used.

Re claim 12, Moreno teaches a touch screen (paragraph [0035]), as is known in the art.

Re claim 13, the limitations have been discussed above re claim 1.

Re claim 14, Moreno teaches that the local processor communicates with the remote processor (paragraph [0019]), which is interpreted as deposit information, as its information related to a deposit.

Re claim 15, the Examiner notes that a user must be preapproved (have authorization) to open the lockers.

***Allowable Subject Matter***

4. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach that the processor controlled deposit openings open different openings depending on the identified financial institution of the customer.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Grosswiller et al. (US 3,897,901), Inoyama et al. (US 4,166,945), Hirose (US 4,253,016), Eda et al. (US 5,561,281), Anma (US 6,000,555), Gustin et al. (US 6,012,048), Imai et al. (US 6,145,737), Henderson et al. (US 6,276,602), Calder et al. (US 6,516,998), Ross (US 6,626,357), Suttie et al. (US 6,663,001), Ikuta (US 6,749,053), Kato (JP356063664), Graef et al.

(US 6,783,061), Siemens (US 2001/0054643), Anderson et al. (US 2002/0074393), Young (US 2002/0100399), Hughes (US 2004/0210515), and Siemens et al. (US 2004/0226493).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

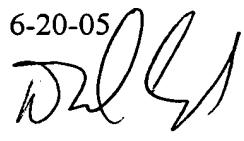
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Daniel I Walsh

Examiner

Art Unit 2876

6-20-05

  
Daniel I. Walsh